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May 17, 2024

VIA ECF FILING

The Honorable Arun Subramanian, USDJ
United States District Court, Southern District of New York
500 Pearl Street, Courtroom 15A
New York, New York 10007

RE: **Hongmian Gong v. Lerone Savage**
Civil Action No. 1:23-cv-07355-AS

Dear Judge Subramanian:

I am attorney for Defendant in the above referenced action and pursuant to your rules I am writing this letter motion for a Stay of all discovery deadlines provided in the Civil Case Management Plan and Scheduling Order dated February 27, 2024 (ECF 47) pending the outcome of Defendant's Motion to Dismiss the Second Amended Complaint (ECF 55) (the "Motion"). The original discovery deadlines include Depositions by July 15, 2024, and Discovery due by September 30, 2024. There have been no previous requests for this relief. The reasons for this relief are: (i) as stated above, Defendant has filed his Motion to Dismiss the Second Amended Complaint (which is the **third** time Defendant has attempted to file a Motion to Dismiss after Plaintiff filed both a Complaint and a First Amended Complaint – see ECF 23 and 29) and seeks to prevent unnecessary resources from being spent on discovery that may not be necessary; and (ii) after the parties stipulated to extend the time for Plaintiff to oppose the Motion (ECF 57-58), Plaintiff served document requests and interrogatories on Defendant in compliance with the existing due dates in the Court-ordered Civil Case Management Plan entered on February 27, 2024 (ECF 47). As mentioned, the parties do not want to expend unnecessary resources answering discovery demands should the Motion be granted. Opposing counsel consents to this application. Currently, there is no scheduled appearance before the Court.

Thank you for your consideration.

Respectfully yours,



Jason R. Mischel

cc: Robert D. Katz, Esq. (VIA ECF FILING AND EMAIL)

Application denied, but the parties may make a renewed request to stay discovery if no decision is rendered on the motion to dismiss by July 1, 2024. In addition, the parties may agree among themselves to adjust the interim deadlines so long as all discovery is complete by September 30, 2024.

The Clerk of Court is directed to terminate the motion at Dkt. 59.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Arun Subramanian', is written over the typed name.

Arun Subramanian, U.S.D.J.

Date: May 21, 2024